

Application S/N 10/728,336
Amendment Dated: August 31, 2005
Response to Office Action dated: July 1, 2005

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REMARKS/ARGUMENTS

Claims 7-21 remain pending in the application, as claims 1-6 and 22-24 have been canceled without prejudice. In the Office Action, claims 7, 8, 10, 14 and 16-20 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,554,822 to Gilpin, et al. (Gilpin). Claims 1-6 and 22-24 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,574,625 to Oghami, et al. (Oghami) in view of U.S. Patent No. 6,406,321 to Hayashi, et al. (Hayashi). In addition, claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over Gilpin in view of U.S. Patent No. 4,635,225 to Imai, et al. (Imai). Finally, claims 12, 13, 15 and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gilpin.

A brief summary of the Gilpin reference may be helpful here. Gilpin discloses a sealable, latchable door for securing and protecting a PC memory card. The door assembly in Gilpin has a door that is attached to a hinge, and the hinge is attached to a connecting plate slidably mounted in a housing (see column 3, lines 10-13). In addition, when the door assembly is in an extended, disengaged position, the door and the hinge can be pivoted between a lowered, open position (see FIG. 1) and a raised, intermediate position (see FIG. 6). The door is secured in a closed, sealed position through a latch 36 (see FIG. 1).

Independent claim 7 has been amended to clarify that the cover can remain in a substantially open position irrespective of the positioning of the communication device to which the cover is connected. The Gilpin reference simply does not disclose such a concept and in fact, teaches away from it. In particular, the door (i.e., cover) in Gilpin is freely rotatable in view of the latch 36 required to secure the door. Such a component is

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made necessary because the door is freely rotatable; otherwise, the Gilpin door would never close.

In view of the above, Applicants believe that independent claim 7 is patentable over the prior art. Applicant also believes that those claims that depend from independent claim 7 are patentable, both based on their dependencies on the independent claims and their patentability on their own. Reconsideration and withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

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The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

Respectfully submitted,

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